

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 13, 2002**

**DIVISION ONE**

B154624      Lawyers' Mutual Insurance Co., et al.  
                 v.  
                 McConnell et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed November 9, 2001) dismissed.

B144474      Morrow, Scuria, Golenor & Salisbury      (Not for Publication)  
                 v.  
                 American International Group

The judgment is affirmed. Respondents are entitled to their costs on appeal.

Ortega, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

B152827      Fremont Industrial Indemnity Company      (Not for Publication)  
                 v.  
                 Laughlin, Falbo, Levy & Moresi

We affirm the judgemnt. LFLM is entitled to its costs.

Ortega, Acting P.J.

We concur:    Vogel (Miriam A.), J.  
                 Mallano, J.

DIVISION TWO

B148707 People (Not for Publication)  
v.  
Gold

The judgment is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

B148220      Rich Development Company      (Not for Publication)  
v.  
Smith, et al.

The judgment in favor of Rich Development Company is reversed. The matter is remanded to the trial court to enter judgment for the Smiths. The parties are to bear their own costs of appeal.

Doi Todd, J.

We concur:   Nott, Acting P.J.  
                   Ashmann-Gerst, J.

B134911      Burnett et al.      (Not for Publication)  
v.  
Keife

The judgment as to Keife, and the order taxing his costs, are affirmed. The parties shall bear their own costs on appeal.

Cooper, J. (Assigned)

We concur: Nott, Acting P.J.  
Doi Todd, J.

## DIVISION TWO (Continued)

B155561      Edward Z.      (Not for Publication)  
v.  
S.C.L.A.  
D.C.F.S.

The petition for writ of mandate is denied, and the order to show cause is discharged.

Doi Todd, J.

We concur:   Boren, P.J.  
                  Ashmann-Gerst, J.

## DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B150771 Children and Family Services v. Lisa M.  
B149344 People v. Lawrence  
B151925 People v. Wilson  
B146469 People v. Lewis  
B150678 People v. Jaramillo  
B150829 People v. Howell  
B145123 People v. McKelry  
B150570 People v. Kazee

Argument waived, cause submitted.

B146469 People  
v.  
Lewis

Appearances:  
Joshua Kaplan for appellant and April S. Rylaarsdam, deputy attorney  
general for respondent. Argument waived, cause submitted.

DIVISION THREE (Continued)

B146581 Silver  
v.  
Marty Chance Exterminating, Inc., et al.

Merits:  
Argued by Gregory C. Pyfrom for appellant and by Barry M. Appell for respondents. Cause submitted.

B146435 Three R Associates  
v.  
Allen

Merits:  
Argued by Mark M. Rosenthal for appellant. No appearance for respondent. Cause submitted.

B147849 Hermosa Beach Stop Oil Coalition  
v.  
City of Hermosa Beach, et al.

Merits:  
Argued by James Bright for appellant and by Rochelle Brown for respondents. Cause submitted.

Court recessed at 11:35 A.M.

Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B149703 People  
v.  
Short

Merits:  
Argued by Andrew E. Rubin for appellant and by Paul M. Roadarmel, deputy attorney general for respondent. Appellant's supplemental letter brief due on March 20, 2002, and respondent's reply due March 27, 2002. Submission deferred.

DIVISION THREE (Continued)

B142409     Staugaard  
              v.  
              L.A. Police Protective League

Merits:  
Argued by Marla A. Brown for appellant and by Michael W. Champ for respondent. Cause submitted.

B149454     People  
              v.  
              Wesley

Merits:  
Argued by Glen Niemy for appellant and by Analee J. Nations, deputy attorney general for respondent. Appellant's supplemental letter brief due on March 20, 2002, and respondent's reply due April 17, 2002. Submission deferred.

B145491     McKovich  
              v.  
              Pulignano

Merits:  
Argued by Gary C. Wunderlin for appellant and by William R. DeWolfe for respondent. Cause submitted.

B144816     Sanders  
              v.  
              Barnes

Merits:  
Argued by Audrea D. Barnes, appellant in propria persona and by Robert E. Sanders, respondent in propria persona. Cause submitted.

DIVISION THREE (Continued)

B146781     People  
              v.  
              Rosales

Merits:  
Argued by Edward Schulman for appellant and by Scott A. Taryle, deputy attorney general for respondent. Cause submitted.

B138645     Alderette  
              v.  
              Paul, Hastings, Janofsky & Walker, et al.

Merits:  
Argued by Roger J. Agajanian for appellant and by Nancy Abell for respondents. Cause submitted.

B152166     People  
              v.  
              Lugo

Merits:  
Argued by Edward H. Schulman for appellant and by Juliet Schmidt, deputy attorney general for respondent. Cause submitted.

B151211     Fran W., et al.  
              v.  
              Terry W.

Merits:  
Argued by Richard A. Marcus for appellants and by Freda D. Pechner for respondent. Cause submitted.

Court adjourned at 4:10 P.M.

## DIVISION FOUR

B148811      Millan      (Certified for Publication)  
v.  
Southern California Gas Company

The judgment is reversed. The matter is remanded to superior court with directions to vacate its orders granting summary judgment and denying summary adjudication and to enter new and different orders denying those motions in accordance with the principles set forth in this opinion and setting the matter for trial to adjudicate whether application of the PPR has resulted in failure of Employer to pay a premium over the regular pay of \$16.56. Costs on appeal are awarded to appellant.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B149033 Robinson (Not for Publication)  
v.  
Israel

Summary judgment on Israel's cross-complaint is affirmed. Summary adjudication on Robinson's breach of contract cause of action and the judgment entered are reversed. The case is remanded for further proceedings. Costs are awarded to appellant.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

DIVISION FOUR (Continued)

B155159      Annie O., et al.                      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Los Angeles County Department of Children and Family Services, r.p.i.)

The petitions are denied.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                 Hastings, J.

B152860      People    (Not for Publication)  
                 v.  
                 Gabriel Bernal

For the foregoing reasons, the judgment is affirmed.

Hastings, J.

We concur:    Epstein, Acting P.J.  
                 Curry, J.

B154007      People    (Not for Publication)  
                 v.  
                 Lamar J. Singleton

The judgment is affirmed.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                 Hastings, J.



March 13, 2002-Continued

## DIVISION FOUR (Continued)

B153307 People (Not for Publication)  
v.  
James E. Henslee

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B152497 People (Not for Publication)  
v.  
Phillip K. Tolbert

For the foregoing reasons, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

B132915      People  
v.  
John J. Park et al.

Filed order vacating submission order of January 17, 2002. Submission is vacated in view of our Supreme Court's decision in *People v. Mancebo* (filed March 11, 2002). Matter shall be resubmitted on the date respondent's supplemental brief is received or no later than May 13, 2002.

DIVISION FIVE

[illegible]

The judgment is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
                         Mosk, J.

B146721 Michael Viner (Not for Publication)  
v.  
Heide Fleiss

The judgment is reversed. Plaintiff, Michael Viner, is to recover his costs on appeal from defendant, Heide Fleiss.

Turner, P.J.

We concur:   Armstrong, J.  
                      Mosk, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B150663 Prime Pacific Investments, Inc. v. Hanmi Bank  
B151575 Stewart Johnston Pumps, Inc. v. Nationwide Mutual Ins., Co.

Argument waived, cause submitted.

DIVISION SIX (Continued)

B148148     Fugate  
              v.  
              Price Costco

Merits:  
Argued by Kim Scovis for appellants and by Darcy F. Storin for  
respondent. Cause submitted.

B152589     Burboa  
              v.  
              Ventura County

Merits:  
Argued by Marshall W. Graves for appellants and by Mark Ellis Singer for  
respondent. Cause submitted.

B148463     Briseno  
              v.  
              Diamond

Merits:  
Argued by Roger L. Stanard for appellants and by William K. Gamble for  
respondent. Cause submitted.

B148713     Rivas  
              v.  
              Farmers Insurance Co.

Merits:  
Argued by Marvin L. Mathis for appellants and by Jonathan B. Cole for  
respondents. Cause submitted.

Yegan, J. left the bench.

DIVISION SIX (Continued)

B139118     Federman  
              v.  
              Merenbach

Merits:

Argued by Jules L. Federman, appellant, appearing in propria persona and  
by Kenneth L. Moes for respondents. Cause submitted.

Court recessed at 11:00 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J. and G. Bents, Deputy Clerk.

B146760     In re: Blumberg Family Trust v. Blumberg

Argument waived, cause submitted.

Each of the following:

B145113 Lara v. Willows

B148305 Banks v. Hathaway, Perrett, Webster, Powers & Chrisman

Argument continued to April, 2002.

B148018     Harris  
              v.  
              Sandro

Merits:

Argued by Kevin J. Stack for appellant and by Herb Fox for respondent.  
Cause submitted.

DIVISION SIX (Continued)

B151605     Welsford  
              v.  
              Welsford

Merits:

Argued by Ronald S. Cooper for appellants Charles and Christine Welsford and by Diane L. Rowley for respondent Cynthia Welsford. Argument waived by respondent Timothy Welsford. Cause submitted.

B151606     City of Malibu  
              v.  
              Santa Monica Mountains Conservancy

Merits:

Argued by Richard R. Terzian for appellant; by Scott N. Yamaguchi for respondents; and by John Saurenman, deputy attorney general, for amicus curiae. Cause submitted.

Court adjourned at 3:15 P.M.

DIVISION SEVEN

B152051     Los Angeles County, D.C.F.S     (Not for Publication)  
              v.  
              Gabrielle R.  
              In re Angelique R.

The judgment is affirmed.

Perluss, J.

We concur:   Johnson, Acting P.J.  
                  Woods, J.

DIVISION SEVEN (Continued)

B150036      Giannetti-Felderman      (Not for Publication)  
v.  
Estate of Allen Habicht

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, J.

We concur:   Johnson, Acting P.J.  
                 Woods, J.

B146380      Linda Campagna      (Not for Publication)  
v.  
Michael Campagna et al.

The judgment is affirmed. Each party to bear their own costs.

Johnson, J.

We concur:   Lillie, P.J.  
                 Perluss, J.

B154898      Mary B.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles DCS, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Johnson, J.

We concur:   Lillie, P.J.  
                 Perluss, J.

## DIVISION SEVEN (Continued)

B147249      People                                  (Not for Publication)  
v.  
Claudell Green

The order denying appellant new appointed counsel upon denial of appellant's Marsden motion is vacated. The order of sentencing is also vacated. The cause is remanded for the trial court to appoint new counsel for appellant and the trial court is to permit appellant to prepare and make a motion for new trial raising the issue of effectiveness of trial counsel. New appointed counsel may also represent appellant during resentencing. The court will entertain a new Romero motion to strike prior convictions under the Three Strikes law prior to resentencing appellant. A bench officer other than the original trial judge should hear and determine the cause. In all other respects, the judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Perluss, J.

B152425 People (Not for Publication)  
v.  
Raheim L. Darby

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

March 13, 2002-Continued

DIVISION SEVEN (Continued)

B154331      People                                  (Not for Publication)  
v.  
Julius Haywood

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

B147881      People                                  (Not for Publication)  
v.  
Ricardo DeSantiago

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

DIVISION EIGHT

B146984 Medina (Not for Publication)  
v.  
Civil Service Commission For The City Of Los Angeles

The judgment is affirmed. Each party to bear their own costs.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.



## DIVISION EIGHT (Continued)

B150317 People (Not for Publication)  
v.  
Marin

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B149450 People (Not for Publication)  
v.  
Marcus M.

Appellant's sentence is vacated and the matter is remanded for resentencing in compliance with Welfare and Institutions Code section 702. (In re Manzy W., *supra*, 14 Cal.4th at p. 1204.)

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B152412      People      (Not for Publication)  
v.  
Treyvon S.

In re Treyvon S., a Person Coming Under the Juvenile Court Law.

The judgment sustaining the petition is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

DIVISION EIGHT (Continued)

B148461      James F. Potter                      (Not for Publication)  
                 v.  
                 Daewoo Motor America, Inc., et al.

For the reasons set forth above, the summary judgment is affirmed. The order awarding attorney's fees is reversed and the matter is remanded for the sole purpose of having the trial court issue written findings to support its order. Respondents to recover their costs on appeal.

Rubin, J.

We concur:   Cooper, P.J.  
                 Boland, J.

B152326      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Sandra R.,  
                 In re Austin H., et al., Persons Coming Under the Juvenile Court Law.

For the reasons set forth above, the order terminating appellant's parental rights is affirmed.

Rubin, J.

We concur:   Cooper, P.J.  
                 Boland, J.